IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

TUESDAY, THE 17TH JULY 2007 / 26TH ASHADHA 1929

CRP.No. 1389 of 2004(D)

AGAINST THE ORDER DATED 07/10/2002 IN IA 965/1997 IN AS.103/1997 of ADDL. DISTRICT COURT, THODUPUZHA

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REVN. PETITIONER/2ND PETITIONER/2ND APPELLANT:

ABDUL KAREEM, S/O.SYED MOHAMMED, THANNIMOOTTIL HOUSE, PERUVANTHANAM KARA, PERUVANTHANAM VILLAGE, PEERMEDU TALUK, REP. BY HIS POWER OF ATTORNEY HOLDER M.N.SHAMMY, AGED 37 YEARS W/O.ABDUL KAREEM, THANNIMOTTIL HOUSE, PERUVANTHANAM KARA, PERUVANTHANAM VILLAGE, PEERUMEDU TALUK.

BY ADV. SRI.T.M.ABDUL LATHEEF

RESPONDENTS/CR.PETITIONERS/RESPONDENTS & FIRST PETITIONER/FIRST APPELLANT:
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1. V.H.ABDUL RAHIM, S/O.HAMEED RAWTHER, VATTAKATHARAYIL HOUSE, PERUVANTHANAM KARA, PERUVANTHANAM VILLAGE, PEERMEDU TALUK.

2. MUSHA UMMA, D/O.SAHIB, POOMALA HOUSE, PEERMEDU KARA, PEERMEDU VILLAGE.

*** 3. SYED MOHAMMED, S/O.SHAIB, THANNIMOOTTIL HOUSE, PERUVANTHANAM KARA, PERUVANTHANAM VILLAGE, PEERMEDU TALUK. (REMOVED).**

*** RESPONDENT NO.3 REMOVED FROM PARTY ARRAY AS PER ORDER DTD.19.7.05 IN IA 2058/05 IN CRP 1389/04**

R1 BY ADV. SRI.RENJITH THAMPAN
SMT.P.A.ANITHA

THIS CIVIL REVISION PETITION HAVING BEEN FINALLY HEARD ON 17/07/2007, ALONG WITH CRP 1392 OF 2004 THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

M.N.KRISHNAN, J

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C.R.P.Nos.1389 & 1392 OF 2004

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Dated this the 17th day of July, 2007

O R D E R

These revision petitions are preferred against the order of the Addl.District Court, Thodupuzha in dismissing the application for condonation of delay and as a consequence the dismissal of the appeal itself. Now it is a settled position that against such dismissal an appeal can be preferred and a civil revision petition may not be strictly maintainable. But, it has to be stated that the petitioner had been prosecuting these applications before this court under the earnest belief that they are maintainable and therefore when the second appeal is preferred, the court has to consider this matter regarding the condonation of delay sympathetically.

The office is directed to return the orders produced by the parties.

Civil revision petitions are disposed of accordingly.

M.N.KRISHNAN, JUDGE

Cdp/-